

REMARKS

This Response is offered in reply to the office action of May 14, 2003. A petition and fee for a one month time extension are enclosed.

Applicant appreciates allowance of claims 1-10, 13, 18, 19, 28-32, 34-40 and 42-52.

In paragraph 3 of the office action, claims 11, 14, 15, 17, 20, 24-25, 33, and 41 are rejected under 35 USC 103(a) as obvious in view of the GB '690 patent taken with the Bahn '369 patent.

Pending claim 11 is believed to patentably distinguish over the cited references. Neither the GB patent nor the Bahn patent discloses or renders obvious a modular living enclosure for occupancy by a person, comprising a plurality of molded plastic enclosure sections that are assembled to define an enclosure floor, four upright side walls, a top wall and a door opening when assembled, wherein at least one of said enclosure sections is molded to form a bathroom feature including a toilet. The examiner recognizes this deficiency of the GB patent in the comments in paragraph 3 of the office action. Reconsideration of claim 11 is requested.

With respect to pending claim 15, neither the GB patent nor the Bahn patent discloses or suggests a washbasin that communicates to a sump chamber on the modular living enclosure. The examiner correctly recognizes this deficiency in paragraph 3, page 3 of the office action. On page 3 of the office action, the examiner refers to a water tank 28 of the GB patent and argues that it would have been obvious to include a conduit and sump chamber. However, the water tank 28 is provided to supply water to the shower head fixture 38. There is simply no suggestion in the GB patent of a conduit and sump chamber as set forth in claim 15 to which the washbasin is drained. Reconsideration of claim 15 is requested.

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With respect to claim 17, the examiner refers to page 2, lines 91-96 of the GB patent. However, page 2, lines 91-96 expressly describe a channel on a recessed soap dish on the central partition of the bathroom to drain water carried into the soap dish back into the bath. There simply is no disclosure or suggestion whatsoever in the GB patent of a floor drain that is communicated to a sump chamber disposed outside the bath enclosure as set forth in pending claim 17. Reconsideration of claim 17 is requested.

With respect to claim 20, neither the GB patent nor the Bahn patent discloses or renders obvious a modular living enclosure for occupancy by a person, comprising a plurality of molded plastic enclosure sections that are assembled to define an enclosure floor, four upright side walls, a top wall and a door opening when assembled, wherein at least one of said enclosure sections is molded to form a furniture feature including one or more of a bed surface above said floor and a desk surface above said floor. The examiner recognizes this deficiency of the GB patent in the comments in paragraph 2, page 2 of the office action. Reconsideration of claim 20 is requested.

With respect to claim 24, neither the GB patent nor the Bahn patent discloses or renders obvious a modular living enclosure for occupancy by a prisoner, comprising a plurality of molded plastic enclosure sections that are assembled to define an enclosure floor, four upright side walls, a top wall and a door opening when assembled, wherein at least some of said enclosure sections are molded to form a bathroom feature including one or more of a toilet, a shower head molded as part of a wall of one of said enclosure sections with said wall being provided with holes at said shower head through which shower water is discharged, and a floor drain molded on a floor of another of said enclosure sections for draining water from inside to outside

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of said enclosure and a furniture feature including one or more of a bed surface above said floor and a desk surface above said floor in said enclosure.

The GB patent is utterly silent with respect to a toilet. It is also utterly silent with respect to a shower head molded as part of a wall of one of the enclosure sections with the wall being provided with holes at the shower head through which shower water is discharged. In contrast, the GB patent discloses only a conventional shower fixture 38 attached to the bath enclosure. The GB patent is also utterly silent with respect to a floor drain molded on a floor of another of the enclosure sections for draining water from inside to outside of the enclosure. The examiner's reference to page 2, lines 91-96 of the GB patent fails utterly to disclose this feature of Applicant's claim 24. The GB patent is utterly silent with respect to a furniture feature including one or more of a bed surface above a floor and a desk surface above a floor of the enclosure. Reconsideration of claim 24 is requested.

With respect to claim 25, the GB patent provides a bath enclosure comprised of upper and lower vacuum formed sections that are fused together at flanges 22, 24. The examiner argues that it would have been obvious to form the upper and lower sections of the GB patent from the material of the Bahn patent. However, the examiner ignores that the GB patent vacuum forms the upper and lower sections by heating and pulling a thermoplastic sheet over a mold. The GB patent thus teaches away from using the material of the Bahn patent. Reconsideration of claim 25 is requested.

With respect to claim 33, neither the GB patent nor the Bahn patent discloses or suggests a temperature detecting thermocouple on the enclosure. The examiner recognizes this deficiency of the references in paragraph 3, page 3 of the office action. Reconsideration of claim 33 is requested.

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Finally, with respect to claim 41, this claim is believed allowable since all of claims 1-34 referred to therein are allowable. Reconsideration of claim 41 is requested.

Applicant has added new claims 53, 54, and 55. New claim 53 is believed allowable since neither the GB patent nor the Bahn patent suggests a modular living enclosure for occupancy by a person, comprising a plurality of molded plastic enclosure sections that are assembled to define an enclosure floor, four upright side walls, a top wall and a door opening when assembled, wherein at least one of said enclosure sections includes a shower head molded as an integral part of a wall of said at least one of said enclosure sections with said wall being provided with holes at said shower head through which holes shower water is discharged from said shower head.

New claim 54 is believed allowable since neither the GB patent nor the Bahn patent suggests a modular living enclosure for occupancy by a person, comprising a plurality of molded plastic enclosure sections that are assembled to define an enclosure floor, four upright side walls, a top wall and a door opening when assembled, wherein at least one of said enclosure sections is molded to form a floor drain molded in a floor of said one of said enclosure sections and through which water can flow from inside to outside of said living enclosure.

New claim 55 is believed allowable since neither the GB patent nor the Bahn patent suggests a drain trap fastened to an underside of a floor below a floor drain to trap water drained through the floor drain.

Pending claims 1-55 are believed to be in allowable condition. The Commissioner is authorized to charge the fee for new claims 53, 54, and 55 to my deposit account No. 20-1124.

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Applicant requests entry of this amendment and allowance of the pending claims.

Respectfully submitted,

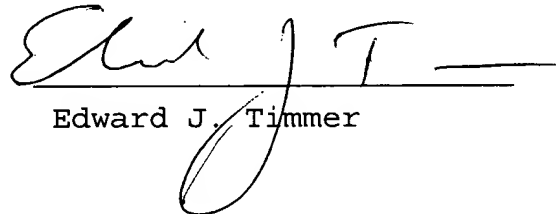
A handwritten signature in cursive script, appearing to read "Edward J. Timmer", written over a horizontal line.

Edward J. Timmer Reg. No. 27,402

Walnut Woods Centre
5955 West Main street
Kalamazoo, Michigan 49009
encl: Postal Card

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR 1.8 as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 12, 2003.

A handwritten signature in cursive script, appearing to read "Edward J. Timmer", written over a horizontal line.

Edward J. Timmer